United Nations A/HRC/WG.6/25/TZA/2

General Assembly

Distr.: General
7 March 2016

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-fifth session
2-13 May 2016

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

United Republic of Tanzania

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

GE.16-03604(E)

Please recycle

I. Background and framework

A. Scope of international obligations[1]

1. International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1972)		ICCPR-OP 2
	ICESCR (1976)		CAT
	ICCPR (1976)		OP-CAT
	CEDAW (1985)		ICRMW
	CRC (1991)		ICPPED (signature, 2008)
	OP-CRC-AC (2004)		
	OP-CRC-SC (2003)		
	CRPD (2009)		
	ICPPED (signature, 2008)		
Reservations and/or declarations		OP-CRC-AC (declaration, art. 3 (2): 18 years, 2013)	
Complaints procedures, inquiries and urgent action[3]	ICERD, art. 14 (1972)		ICCPR, art. 41
	OP-CEDAW, art. 8 (2006)		OP-ICESCR
	OP-CRPD, art. 6 (2009)		ICCPR-OP 1
	ICPPED (signature, 2008)		CAT
			OP-CRC-IC
			ICRMW
			ICPPED (signature, 2008)

1. In 2015, the Committee of the Rights of the Child encouraged the United Republic of Tanzania to ratify OP-CRC-IC, the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Arms Trade Treaty and the International Labour Organization Domestic Workers Convention No. 189 (2011).[4]

2. In 2013, the Committee on Economic, Social and Cultural Rights encouraged the United Republic of Tanzania to consider signing and ratifying OP-ICESCR.[5]

2. Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide		

Status during previous cycle	*Action after review*	*Not ratified*
Rome Statute of the International Criminal Court		
Palermo Protocol[6]		
Conventions on refugees and stateless persons[7]		
Geneva Conventions of 12 August 1949 and Additional Protocols I and II[8]		Additional Protocol III to the 1949 Geneva Conventions[9]
ILO fundamental conventions[10]		
		ILO Conventions Nos. 169 and 189[11]
Convention against Discrimination in Education		

B. Constitutional and legislative framework

3. The United Nations country team (UNCT) stated that the draft constitution, which had been approved on 2 October 2014 but was still awaiting a referendum, did not adequately address the issue of women's leadership and access to basic services. It also expressed concern about, inter alia, the exclusion of sexual orientation and gender identity as prohibited grounds for discrimination. It stated that the proposed constitution potentially opened the door to forced labour for national development projects.[12]

4. The Committee on Economic, Social and Cultural Rights was concerned by the criminalization of homosexuality and recommended that urgent steps be taken to amend the Penal Code to decriminalize homosexuality.[13]

5. The same Committee expressed concern that domestic violence and spousal rape were not specifically criminalized. It urged the United Republic of Tanzania to prohibit and criminalize domestic violence and spousal rape and ensure that all alleged perpetrators are prosecuted.[14]

6. The Committee on the Rights of the Child noted with concern that the regulations for the implementation of the Anti-Trafficking in Persons Act (2008) had not been published in the Official Gazette and recommended expediting their publication.[15]

7. UNCT expressed concern about the Law of Marriage Act of 1971, which set the minimum marital age at 15 years for girls and 18 years for boys, and about the Local Customary Law (Declaration) Order of 1963, which discriminated against women by allowing male partners to control the political and economic well-being of the family at the household level.[16]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[17]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[18]
Commission for Human Rights and Good Governance	A (2006)	A (2011)

8. UNCT stated that the Commission for Human Rights and Good Governance (CHRAGG) was weak and unable to enforce its recommendations, and that the Commission's ability to function effectively was affected by serious budgetary constraints.[19]

9. The Committee on the Rights of the Child noted with appreciation the continuing work of the Special Desk for Children's Affairs within CHRAGG and reiterated its previous recommendation to the United Republic of Tanzania on ensuring human and financial resources for the effective functioning of the Special Desk.[20]

10. The Office of the United Nations High Commissioner for Refugees (UNHCR) referred to the recommendation, received by the United Republic of Tanzania during its universal periodic review on 3 October 2011, on the finalization of a national human rights action plan,[21] and commended the State for launching the plan. It noted that the plan took into account the rights of refugees, asylum seekers and stateless persons.[22]

11. UNCT stated that CHRAGG had the responsibility for coordinating and monitoring the implementation of the National Human Rights Action Plan. Current efforts highlighted capacity challenges and a need for systematic monitoring. It recommended that, following the upcoming universal periodic review, the Government, together with CHRAGG and key civil society organizations, establish a formal coordinating mechanism and integrate a common understanding on key human rights indicators and benchmarks into a revised national human rights action plan.[23]

12. The Committee on the Rights of the Child expressed concern that the right of the child to have his or her best interests taken as a primary consideration was not adequately applied. It recommended that the United Republic of Tanzania strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects.[24]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Racial	-	-	-	Combined seventeenth and eighteenth reports overdue since 2007

Treaty body	Concluding observations included in previous review	Latest report submitted since previous review	Latest concluding observations	Reporting status
Discrimination				
Committee on Economic, Social and Cultural Rights	-	-	November 2012	Fourth report due in 2017
Human Rights Committee	July 2009	-	-	Fifth report overdue since 2013
Committee on the Elimination of Discrimination against Women	July 2008	2014	-	Combined seventh and eighth reports pending consideration in 2016
Committee on the Rights of the Child	June 2006	January 2012 (on CRC)/ July 2007 (on OP-CRC-AC and OP-CRC-SC)	January 2015 (on CRC)/ October 2008 (on OP-CRC-AC and OP-CRC-SC)	Sixth report due in January 2020 (on CRC)
Committee on the Rights of Persons with Disabilities	-	-	-	Initial report overdue since 2011

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	Due in	Subject matter	Submitted in
Human Rights Committee	2010	Female genital mutilation, abolition of corporal punishment as a lawful sanction and imprisonment for failure to pay a debt[25]	2012.[26] Further information requested.[27]
Committee on the Elimination of Discrimination against Women	2010	Domestication of the Convention, female genital mutilation and law reform in the area of marriage and family relations[28]	2012.[29] Further information requested.[30]

Views

Treaty body	Number of views	Status
Committee on the Elimination of Discrimination against Women	1[31]	Follow-up dialogue ongoing[32]

B. Cooperation with special procedures[33]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	Toxic wastes	-
Visits agreed to in principle	-	-
Visits requested	Foreign debt	Extreme poverty
	Summary executions	Water and sanitation
	Extreme poverty	Slavery
		Discrimination against women
		Foreign debt
		Albinism
Responses to letters of allegation and urgent appeals	During the period under review, nine communications were sent. The Government replied to two communications.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

13. The Committee on the Rights of the Child recommended that the United Republic of Tanzania seek technical cooperation from the Office of the United Nations High Commissioner for Human Rights (OHCHR).[34] It urged the country to make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including OHCHR.[35]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

14. UNCT stated that in 2013, the Gender Inequality Index ranked the United Republic of Tanzania at 123 out of 149 countries, with a score of 0.553. That implied that there were significant gender gaps in human development and continuing gender-based inequalities in reproductive health, empowerment and economic activity.[36]

15. At its sixtieth session, the Committee on the Elimination of Discrimination against Women decided that the legal framework of the United Republic of Tanzania, which treated widows and widowers differently in terms of ownership, acquisition, management, administration, enjoyment and disposition of property, was discriminatory and thereby amounted to a violation of the authors' rights under articles 2 (c), 2 (f), 5 (a), 13 (b), 15 (1), 15 (2), 16 (1)(c) and 16 (1)(h) of CEDAW, read in the light of the Committee's general recommendations Nos. 21, 28 and 29. It held, inter alia, that the State should ensure that all

discriminatory customary laws limiting women's equal inheritance rights are repealed or amended and brought into full compliance with CEDAW.[37]

16. The Committee on the Rights of the Child reiterated its concern that discrimination against certain groups of children still existed, in law and in practice, particularly against pregnant teenage girls and teenage mothers, children with albinism, children with disabilities, children infected with or affected by HIV/AIDS and children living on the streets.[38]

17. UNCT stated that discrimination related to HIV/AIDS remained institutionalized in the workplace. The practice was prevalent, inter alia, in certain large mining companies in the private sector and in the police force.[39]

18. UNCT called for the allocation of sufficient resources to ensure free birth registration and certification.[40] The Committee on the Rights of the Child recommended that the United Republic of Tanzania equip decentralized government authorities and health facilities to register births and issue birth certificates, provide birth registration and issue birth certificates free of charge for children under 5 years of age, strengthen and expand mobile birth registration to reach universal coverage, and increase public awareness of the importance of birth registration.[41]

B. Right to life, liberty and security of person

19. UNCT called on the United Republic of Tanzania to establish an official moratorium on the death penalty and to consider its abolition.[42]

20. UNCT noted that witchcraft was the main impetus for the killing and mutilation of persons living with albinism, and recommended that the United Republic of Tanzania take immediate steps to challenge beliefs and attitudes in those communities in which children with albinism were at a high risk of attack.[43]

21. The Committee on the Rights of the Child expressed alarm at the killings of children with albinism, including for ritual purposes, and was concerned that the root causes of the violence were insufficiently addressed, and that prosecution of alleged offenders was hampered by fear and the reported complicity of some State authorities. The Committee urged the United Republic of Tanzania to adopt a comprehensive strategy targeting "witch doctors", to expedite the investigation and prosecution of all cases involving children with albinism, and to provide victims with rehabilitation and redress.[44]

22. UNCT stated that, in its efforts to address harmful cultural and traditional customs and practices, such as female genital mutilation, polygamy and the bride price, the United Republic of Tanzania had continued to strengthen the implementation of the Zanzibar Penal Act (2004) and the Penal Code (applicable on the mainland), both of which criminalized female genital mutilation. The State had also carried out public awareness-raising campaigns and media programmes in an effort to eliminate female genital mutilation.[45]

23. The Committee on the Rights of the Child urged the United Republic of Tanzania to disseminate the law criminalizing female genital mutilation and to ensure that all such cases are promptly investigated and prosecuted and that victims have access to social and medical services.[46]

24. UNCT stated that sexual, physical and emotional violence against children was a pervasive problem, in both the private and public spheres, including government facilities such as schools and prisons. The national plan of action to prevent and respond to violence against children for 2013-2016 was adopted on the mainland, and the national plan to respond to violence against children for 2011-2015 was adopted in Zanzibar. While some progress had been made in implementing the commitments under those plans, insufficient

resources had been allocated. Survivors of sexual abuse and violence struggled to achieve justice and obtain social support. The vast majority of the police, prosecutors and magistrates required training. The lack of capacity often contributed to impunity for perpetrators.[47]

25. UNCT stated that corporal punishment mainly took the form of caning, which was permitted in the home, in school and as a judicial sanction. It was a widely supported measure of discipline, which led the United Republic of Tanzania to reject recommendations from the 2011 review to prohibit all corporal punishment.[48] The Committee on the Rights of the Child noted with concern that provisions in the legislation condoned corporal punishment for "justifiable correction" in schools and for parents to discipline their children "provided it does not lead to injury". The Committee urged the State to repeal or amend all legislation to explicitly prohibit corporal punishment in all settings.[49] The Committee on Economic, Social and Cultural Rights made similar recommendations.[50]

26. The Committee on the Rights of the Child was concerned about the persistence of forced and early marriages of girls and, to a lesser extent boys, sometimes even before they reached puberty. Despite the Sexual Offences Special Provisions Act (1998) criminalizing all sexual activity with girls below the age of 18, marital rape was not prohibited once the married child reached 15 years of age.[51] The Committee expressed concern about reports of frequent sexual and gender-based violence in Nyarugusu refugee camp, including forced marriage and teenage pregnancy, and the giving away of a child in settlement of a debt.[52]

27. The Committee on the Rights of the Child expressed concern about the physical and sexual violence against children, including the sexual exploitation of girls. It recommended that the United Republic of Tanzania: take measures to ensure that all children at risk of sexual exploitation are provided with assistance and protection; strengthen the promotion of zero tolerance of violence against children in schools; ensure that victims have access to child-protection centres; develop adequate systems of investigation and promptly prosecute alleged perpetrators in all cases of sexual violence and abuse of children; and provide all victims with reintegration and recovery services.[53]

28. The Committee on the Rights of the Child called on the United Republic of Tanzania to research the root causes and extent of commercial sexual exploitation of children, child sex tourism, the sale of children, child prostitution and child pornography, to identify children at risk, assess the extent of the problem and develop targeted policies and programmes.[54]

29. The Committee on Economic, Social and Cultural Rights expressed concern about the high number of children living and working in the street, their exposure to various forms of violence, and their limited access to health services and education. It recommended improving access to health services and education for street children.[55] The Committee on the Rights of the Child made similar recommendations.[56]

30. The Committee on the Rights of the Child expressed concern about the lack of awareness of domestic and cross-border child trafficking for sexual exploitation. It recommended expanding efforts to provide specialized training in combating trafficking in children and strengthening awareness-raising programmes.[57] It also recommended ensuring the protection of, and support services for, children who have been victims of trafficking.[58]

31. UNCT stated that conditions in prisons and detention centres were of serious concern, with reports of alleged torture, rape and extortion. It recommended that the United Republic of Tanzania undertake efforts to reform the penal system and that CHRAGG undertake regular monitoring of all places of detention.[59]

32. UNCT stated that children were routinely held in adult detention centres, even in regions where juvenile detention centres existed. Although those under the age of 18 years were separated at night, they mixed with adult prisoners during the day.[60]

C. Administration of justice, including impunity, and the rule of law

33. UNCT stated that challenges continued to exist with respect to access to justice in terms of availability of independent and impartial tribunals and courts; the presence and accessibility of tribunals and courts with sufficient resources; legal awareness and knowledge; the availability of sufficient and qualified lawyers; and the possibility of a timely and fair trial regardless of one's socioeconomic status.[61]

34. The Committee on the Rights of the Child encouraged the United Republic of Tanzania to increase the number of adequately trained professionals working in the juvenile justice system, designate specialized judges for children and ensure their appropriate education and training, and ensure sufficient specialized juvenile court facilities and procedures, with adequate resources.[62]

35. The same Committee expressed concern about the lack of adequate legal-aid services for children in conflict with the law, and encouraged the provision of qualified and independent legal aid and the expeditious adoption of the Legal Aid Bill.[63]

36. The United Nations High Commissioner for Human Rights stated that the United Republic of Tanzania had the primary responsibility to protect people with albinism, and to fight against impunity, which was a key component for prevention and deterrence of the crimes targeting this exceptionally vulnerable community.[64] Victims often faced significant difficulties in bringing their cases to justice, fearing retaliatory attacks or further stigmatization.[65]

D. Right to family life

37. The Committee on the Rights of the Child noted with concern the reported increase in the number of children living without parental care. It recommended that the United Republic of Tanzania take measures necessary to protect the rights of children deprived of a family environment and address their needs, and in particular strengthen the support provided to biological families to prevent out-of-home placements.[66]

38. The same Committee noted with concern that a large number of children's homes operated without registration or adequate inspection and that children continued to live in institutions without any review of the placement, contrary to the 2012 Children's Homes Regulations.[67]

39. The Committee was also concerned about reports that children with albinism had been placed in boarding schools and shelters for children with special needs and that those shelters, while offering immediate protection, were not temporary as originally intended. The children were separated from their families and segregated from their community. The Committee encouraged the United Republic of Tanzania to review its policy of placing children with albinism in boarding schools and to take all measures necessary to reunite the children with their families, when that is in the best interests of the child.[68]

E. Freedom of expression

40. UNCT stated that the media services bill of 2015 stipulated that no person would be allowed to practice journalism unless accredited by the proposed journalists accreditation

board. If the bill were to be passed, accreditation would lead to the suppression of citizen journalists and other volunteer journalists working with community radio stations.[69]

F. Right to work and to just and favourable conditions of work

41. The Committee on Economic, Social and Cultural Rights expressed concern that the informal economy was estimated to represent more than 90 per cent of the overall economy. It recommended regularizing the situation of informal sector workers by progressively improving their working conditions and including them in social security schemes.[70]

42. UNCT stated that while 89 per cent of women participated in the work force, more than 53 per cent were not remunerated for their work. A high number of women worked in the informal sector, which was characterized by low wages and lack of job security benefits.[71]

43. UNCT stated that most small-scale miners in the gold-mining sector used mercury to extract and separate gold from the crushed ore, which posed environmental and health hazards for the miners. It called for awareness-raising campaigns to ensure the protection of the rights of and informed action by the small-scale miners.[72]

44. The Committee on Economic, Social and Cultural Rights was concerned that internationally recognized labour standards were not effectively enforced. It recommended that the United Republic of Tanzania take measures to ensure safe and healthy conditions of work and their enforcement in practice, especially in construction, mining and the informal sector.[73]

45. The same Committee recommended that the United Republic of Tanzania take steps to limit the scope of the definition of "essential services" for which strikes are prohibited, so that only the most essential services are subject to this prohibition.[74]

46. The same Committee was concerned that child labour was widespread, with many children engaged in activities that were hazardous and dangerous.[75]

G. Right to social security and to an adequate standard of living

47. The Committee on Economic, Social and Cultural Rights expressed concern about social security coverage being very low and recommended the establishment of a universal social security system.[76] UNCT stated that the limited coverage of social protection left poor people with inadequate protection in case of disease, job loss or other catastrophes. The mandatory Social Security Scheme covered only employees in the formal sector, who constituted less than 10 per cent of the labour force. Furthermore, the benefits provided by most schemes were not sufficient to address contingencies.[77]

48. The Committee on Economic, Social and Cultural Rights was concerned that poverty remained widespread, with 34 per cent of the population living below the basic needs poverty line.[78]

49. UNCT stated that food security remained vulnerable to the effects of climate change, notably drought. The problem of malnutrition remained a major issue, with the allocation of adequate resources for nutrition programmes remaining a challenge.[79] The Committee on Economic, Social and Cultural Rights recommended that the United Republic of Tanzania address chronic food insecurity, chronic malnutrition and the critical nutritional needs of children, in particular in central, south-eastern and north-eastern regions.[80]

50. The same Committee expressed concern about the poor quality of accommodation, the lack of basic services and the high percentage of the urban population living in slums. It

recommended that the United Republic of Tanzania take urgent measures to ensure access to adequate and affordable housing with legal security of tenure for everyone and priority measures for homeless persons and persons living in substandard housing in shanty towns.[81]

51. Recalling the cholera outbreak in 2015, UNCT called for the upgrading of water and sanitation infrastructures and the implementation of social mobilization interventions.[82] The Committee on the Rights of the Child recommended that the United Republic of Tanzania improve access to safe drinking water and adequate sanitation facilities and ensure their sustainability, availability, sufficiency and affordability to all.[83]

H. Right to health

52. The Committee on Economic, Social and Cultural Rights expressed concern about the lack of universal health-care coverage and the shortage of qualified health-care professionals and medical supplies. It recommended that the United Republic of Tanzania ensure universal health-care coverage, adequate medical equipment and staff at health centres, and health-care services in rural villages.[84]

53. According to information before the Committee on the Elimination of Discrimination against Women, there has been limited progress in reducing the maternal mortality rate.[85] UNCT stated that the major causes of maternal mortality were preventable and attributable to the poor quality of health services, including the unavailability of skilled providers and essential equipment, as well as geographical inaccessibility. It noted the development of a road map for 2016-2020 to accelerate the reduction of preventable maternal, newborn and child mortality and to ensure universal access to sexual and reproductive health, and recommended the allocation of resources to ensure the implementation of the interventions and the monitoring of progress through the reproductive, maternal, newborn and child health scorecard.[86]

54. UNCT encouraged greater efforts to address the major causes of under-5 mortality: pneumonia, malaria, diarrhoea-related diseases and malnutrition.[87]

55. UNCT stated that there had been an increase in the deaths of newborn children. It called for improved access to newborn care, and improvements in service delivery to the most underserved regions, with a scaling up of the "Reaching every child" approach, which incorporated all child health interventions.[88]

56. UNCT stated that access to and the quality of HIV-related services had been neglected. Children and adolescents continued to be left behind in the national HIV response. Paediatric HIV treatment still lagged behind the provision of treatment for adults. The United Republic of Tanzania must urgently scale up paediatric HIV services, integrated within maternal neonatal child health services, and ensure that health/HIV services meet the special sexual and reproductive health and psychosocial needs of adolescents.[89]

57. UNCT also stated that compared to men, women were more than twice as likely to test positive for HIV. The United Republic of Tanzania should therefore ensure that national strategies address the rights and needs of girls and women in the context of HIV.[90]

58. UNCT stated that the United Republic of Tanzania should require as a best practice that evidence-based comprehensive sex education be taught within the broader primary and secondary school curricula.[91]

59. UNCT stated that the United Republic of Tanzania should recognize that laws that directly or indirectly criminalize sex work undermine the effectiveness of HIV and sexual health programmes by limiting the ability of sex workers and their clients to seek and benefit from HIV assistance programmes.[92]

60. The Committee on the Rights of the Child was concerned that adolescents who became pregnant as a result of sexual violence had limited options and often resorted to unsafe abortions, resulting in their death. It urged the United Republic of Tanzania to reduce maternal deaths relating to teenage abortions and ensure by law and in practice that the views of the child are always listened to and respected in abortion decisions.[93] UNCT stated that a lack of adequate interpretation of the law and policy relating to safe abortions resulted in poor access to quality abortion care.[94]

61. The Committee on the Rights of the Child expressed concern about the lack of information about modern contraceptives and adolescent-friendly health services, particularly in rural areas. It urged the United Republic of Tanzania to provide accessible, age-appropriate and adolescent-friendly health information and services for boys and girls, including confidential services, relating to sexual and reproductive health, with a focus on preventing pregnancy and making modern contraceptives available.[95]

I. Right to education

62. The Committee on the Rights of the Child expressed concern about the evaluation by the United Republic of Tanzania that formal education systems were unable to accommodate the growing demand, since there were insufficient schools, materials and qualified teachers. The Committee was concerned about the fees and unofficial financial contributions paid by parents and about the difficulties faced by some children in accessing education, including the long walking distances from home to school and the absence of school-meal programmes. It recommended that the State ensure the full enrolment of all children in education.[96]

63. The Committee on Economic, Social and Cultural Rights was concerned about inadequacies in the educational infrastructure, with schools often lacking water and sanitation; shortages of textbooks; and the limited number of qualified teachers. It recommended that the United Republic of Tanzania improve the physical environment of schools, including by ensuring appropriate water and sanitation facilities, particularly in rural areas.[97]

64. UNCT stated that the poor quality of education remained a grave concern.[98] The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that with the launching of the Education Policy of 2014, basic education would run from Standard 1 to Form 4 and would be free. All schools would use the same textbooks. The Government would collaborate with education stakeholders to modernize curricula at all levels, and provide equipment, materials and tools needed for teaching and facilitating the advancement of science and technology.[99]

65. The Committee on Economic, Social and Cultural Rights expressed concern about the lack of access to education for children with disabilities, children of pastoralist communities and refugee children living in the Mtabila camp. It recommended that the United Republic of Tanzania take steps to guarantee an inclusive education for all children with disabilities, in line with its 2012 Strategic Plan of Inclusive Education, and to ensure that all children of pastoralist communities and refugee children have access to primary education, including through the establishment of mobile and boarding schools.[100]

66. UNCT stated that while the United Republic of Tanzania had developed an inclusive education strategy,[101] immediate efforts should be taken to ensure its implementation and thus increase the inclusion of orphans and other vulnerable children, many of whom were likely to be among the primary-age children missing in schools.[102]

67. The Committee on the Rights of the Child expressed concern about the practice of mandatory pregnancy testing of girls as a pre-requirement for admission to school, as well

as the expulsion of pregnant girls from school.[103] UNCT stated that existing protection and special programmes for girls had been inadequate and resulted in many girls being unable to fulfil compulsory educational requirements. While the 2002 regulation still allowed for the expulsion of pregnant girls from school, a draft re-entry programme was under review and pending approval for girls who had dropped out of school owing to pregnancy. UNCT called for particular attention to be paid to the enrolment and retention of boys within nomadic and fishing communities.[104]

68. The Committee on Economic, Social and Cultural Rights was concerned about indirect costs in primary education, such as for textbooks, uniforms and school lunches.[105] The Committee on the Rights of the Child was concerned about the geographical disparities in ensuring high-quality education and about the rates of absenteeism and dropout. It recommended that the United Republic of Tanzania allocate sufficient resources to improve the geographic accessibility of schools and the quality of education and adapt the education system to accommodate children and families whose livelihoods are based on pastoralism, fishing, mining and farming.[106]

J. Persons with disabilities

69. The Committee on the Rights of the Child noted with concern that children with disabilities were subjected to greater abuse, violence, stigma and exclusion, particularly in rural areas. It urged the United Republic of Tanzania to adopt a human rights-based approach to disability, and specifically recommended that the State strengthen the implementation of laws and policies relating to children with disabilities.[107] The Committee also recommended expediting the establishment of the necessary infrastructure in public places to accommodate children with different disabilities and working together with communities to develop a public-awareness strategy to challenge negative social and cultural beliefs and norms regarding children with disabilities.[108]

K. Minorities and indigenous peoples

70. The Committee on Economic, Social and Cultural Rights expressed concern that several vulnerable communities, including pastoralist and hunter-gatherer communities, had been forcibly evicted from their traditional lands for the purposes of large-scale farming, the creation of game reserves, expansion of national parks, mining, construction of military barracks, tourism and commercial game-hunting. It recommended that the establishment of game reserves, the granting of licences for hunting and other projects on ancestral lands be preceded by free, prior and informed consent of the people affected, and that the United Republic of Tanzania ensure that these vulnerable communities are effectively protected from forced evictions from traditional lands. Also, forced evictions and violations during those evictions should be investigated, the perpetrators brought to justice, the findings made public and those evicted offered adequate compensation.[109]

71. According to information before the Committee on the Elimination of Discrimination against Women, indigenous women, in particular Masai women, were among the poorest and most marginalized groups in society.[110] The Committee on the Elimination of Racial Discrimination was concerned about information received that the situation of pastoralist Masai communities affected by evictions had worsened and that those communities had allegedly suffered intimidation, arrest, physical ill-treatment and arbitrary detention. It requested that the United Republic of Tanzania take immediate measures to protect the Masai community, take concrete steps to find a peaceful solution to the dispute, take concrete measures to ensure access of Masai people to their traditional lands and provide adequate compensation, as appropriate, for the alleged losses suffered.[111]

L. Migrants, refugees and asylum seekers

72. UNHCR stated that refugees were required to stay in designated areas and to apply for special permits should they wish to leave those areas. It recommended relaxing the restrictions on movement to allow refugees to maximize livelihood opportunities, and implementing new legislation to grant work permits in urban and other non-camp areas.[112]

73. The Committee on the Rights of the Child expressed concern about the scarce opportunities for children, particularly long-term refugee children, to access education and develop life skills, and the insufficient assistance for unaccompanied children in the camps.[113]

74. UNHCR stated that the existing policy on the education of refugee children under the 2003 refugee policy required that education offered to refugee children be tailored with a focus on their repatriation and reintegration upon return to their country of origin; therefore, education was based on the curricula used in the countries of origin. UNHCR urged a relaxation of that policy in favour of education for integration, as opposed to a focus on repatriation.[114]

M. Right to development, and environmental issues

75. UNCT stated that corruption was a widespread problem that hampered development and human rights, including delivery of public services such as health care and education, access to justice and law enforcement and civil and political rights. The United Republic of Tanzania had suffered from egregious corruption scandals. Indicators on control of corruption and perception of corruption indicated a deteriorating corruption situation.[115] The Committee on Economic, Social and Cultural Rights expressed concern that the Prevention and Combating of Corruption Act No. 11 of 2007 had not been implemented effectively.[116]

76. The Committee on the Rights of the Child expressed concern that the economic growth resulting from the extractive industries had not led to increased investment in children and that the United Republic of Tanzania continued to over-rely on donor funding. It recommended that the State prioritize and substantially increase the budgetary allocations in the social sectors to ensure implementation of the economic, social and cultural rights of children.[117]

77. UNCT stated that the management of natural resources by Government faced significant challenges, including those related to deforestation, illegal fishing and poaching. A number of rivers and streams in urban areas were being used for the indiscriminate disposal of different types of waste materials from industries, households and other entities, giving rise to a number of health concerns.[118]

78. UNCT stated that the United Republic of Tanzania had begun to experience significant effects of climate change. Temperatures in different regions of the country had increased. Rainfall was expected to decrease in the dry season and increase in the rainy season, and extreme weather-related events, such as droughts and floods, were expected to increase in severity, duration and frequency. It noted that the State must strengthen its capacity to deal with climate change.[119]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on the United Republic of Tanzania from the previous cycle (A/HRC/WG.6/12/TZA/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] See CRC/C/TZA/CO/3-5, paras. 50-51, 66-67 and 76-77.

[5] See E/C.12/TZA/CO/1-3, para. 32.

[6] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[7] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[8] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[9] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[10] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[11] ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).

[12] "Joint submission by the UN Country Team (UNCT) in Tanzania for the UN compilation report: UNCT report for the universal periodic review – Tanzania – 25th session of the UPR Working Group 2016" (country team joint submission for the universal periodic review of the United Republic of Tanzania), para. 6.

[13] See E/C.12/TZA/CO/1-3, para. 6

[14] Ibid., para. 13

[15] See CRC/C/TZA/CO/3-5, paras. 70-71

[16] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 5.

[17] According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: voting member (fully in compliance with each of the Paris Principles), B: non-voting member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: no status (not in compliance with the Paris Principles).

[18] The list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights is available from http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf.

[19] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 8.

[20] See CRC/C/TZA/CO/3-5, paras. 17-18.

[21] For the recommendation, see A/HRC/19/4, para. 85.13.

[22] "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' compilation report universal periodic review: 2nd cycle, 25th session, the United Republic of Tanzania" (UNHCR submission for the universal periodic review of the United Republic of Tanzania), p. 3.

[23] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 9.

[24] See CRC/C/TZA/CO/3-5, paras. 27-28.

[25] See CCPR/C/TZA/CO/4, para. 28.

[26] CCPR/C/TZA/CO/4/Add.1.

[27] Letter dated 3 April 2013 from the Human Rights Committee addressed to the Permanent Representative of the United Republic of Tanzania to the United Nations Office and other international organizations in Geneva and to the Permanent Mission of the United Republic of Tanzania to the United Nations Office in New York, p. 2. Available from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TZA/INT_CCPR_FUL_TZA_20357_E.pdf.

[28] See CEDAW/C/TZA/CO/6, para. 59.

[29] CEDAW/C/TZA/CO/6/Add.1.

[30] Letter dated 19 March 2013 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Representative of the United Republic of Tanzania to the United Nations Office and other international organizations in Geneva, p. 2. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TZA/INT_CEDAW_FUL_TZA_13624_E.pdf.

[31] CEDAW/C/60/D/48/2013.

[32] Ibid.

[33] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.

[34] See CRC/C/TZA/CO/3-5, paras. 17-18.

[35] Ibid., para. 73.

[36] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 22.

[37] CEDAW/C/60/D/48/2013.

[38] See CRC/C/TZA/CO/3-5, para. 25. See also E/C.12/TZA/CO/1-3, para. 5.

[39] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 31.

[40] Ibid., para. 13.
[41] See CRC/C/TZA/CO/3-5, paras. 34-35.
[42] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 5.
[43] Ibid., paras. 46 and 48.
[44] See CRC/C/TZA/CO/3-5, paras. 29-31.
[45] See country team joint submission for the universal periodic review of the United Republic of Tanzania, paras. 10-11.
[46] See CRC/C/TZA/CO/3-5, paras. 44-45.
[47] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 16.
[48] Ibid., para. 17.
[49] See CRC/C/TZA/CO/3-5, paras. 36-37.
[50] See E/C.12/TZA/CO/1-3, para. 14.
[51] See CRC/C/TZA/CO/3-5, paras. 42-43.
[52] Ibid., paras. 64-65.
[53] Ibid., paras. 40-41 and 69.
[54] See CRC/C/TZA/CO/3-5, paras. 74-75.
[55] See E/C.12/TZA/CO/1-3, para. 16.
[56] See CRC/C/TZA/CO/3-5, paras. 68-69.
[57] Ibid., paras. 70-71.
[58] Ibid.
[59] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 45.
[60] Ibid., para. 14.
[61] Ibid., para. 5.
[62] See CRC/C/TZA/CO/3-5, paras. 72-73.
[63] Ibid.
[64] OHCHR, "Pillay condemns "abhorrent" attacks on people with albinism in Tanzania ", press release, 5 March 2013. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13074&LangID=E.
[65] OHCHR, "People with albinism: Pillay urges more protection after barbaric killing in Tanzania", press release, 15 May 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14601&LangID=E.
[66] See CRC/C/TZA/CO/3-5, paras. 48-49.
[67] Ibid.
[68] Ibid., paras. 29-31. See also country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 47.
[69] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 51.
[70] See E/C.12/TZA/CO/1-3, para. 9.
[71] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 22.
[72] Ibid., para. 58.
[73] See E/C.12/TZA/CO/1-3, para. 10.
[74] Ibid., para. 11.
[75] Ibid., para. 15.
[76] Ibid., para. 12.
[77] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 35.
[78] See E/C.12/TZA/CO/1-3, para. 19.
[79] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 56.
[80] See E/C.12/TZA/CO/1-3, para. 21.
[81] Ibid., para. 20.

[82] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 55.
[83] See CRC/C/TZA/CO/3-5, paras. 54-55.
[84] See E/C.12/TZA/CO/1-3, para. 23.
[85] See CEDAW/C/TZA/Q/7-8, para. 18.
[86] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 39.
[87] Ibid., para. 37.
[88] Ibid., para. 40.
[89] Ibid., para. 42.
[90] Ibid., para. 41.
[91] Ibid., para. 43.
[92] Ibid., para. 32.
[93] See CRC/C/TZA/CO/3-5, paras. 58-59.
[94] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 44.
[95] See CRC/C/TZA/CO/3-5, paras. 58-59.
[96] Ibid., paras. 60-61.
[97] See E/C.12/TZA/CO/1-3, para. 26.
[98] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 19.
[99] See "Contribution of UNESCO to compilation of UN information, United Republic of Tanzania", (UNESCO submission for the universal periodic review of the United Republic of Tanzania), paras. 21-25.
[100] See E/C.12/TZA/CO/1-3, para. 28.
[101] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 21. See also UNESCO submission for the universal periodic review of the United Republic of Tanzania, para. 28.
[102] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 21.
[103] See CRC/C/TZA/CO/3-5, paras. 62-63.
[104] See country team joint submission for the universal periodic review of the United Republic of Tanzania, paras. 21 and 25.
[105] See E/C.12/TZA/CO/1-3, para. 26.
[106] See CRC/C/TZA/CO/3-5, paras. 60-61.
[107] Ibid., paras. 52-53.
[108] Ibid.
[109] See E/C.12/TZA/CO/1-3, para. 22.
[110] See CEDAW/C/TZA/Q/7-8, para. 20.
[111] Letter dated 1 March 2013 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Mission of the United Republic of Tanzania to the United Nations Office and other international organizations in Geneva, p. 2. Available from http://www2.ohchr.org/english/bodies/ccrd/docs/early_warning/Tanzania1March2013.pdf.
[112] UNHCR submission for the universal periodic review of the United Republic of Tanzania, p. 6.
[113] See CRC/C/TZA/CO/3-5, paras. 64-65.
[114] UNHCR submission for the universal periodic review of the United Republic of Tanzania, p. 7. See also country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 20.
[115] Country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 5, which referred to sources from the World Bank, the Worldwide Governance Indicators (2013) and sources from Transparency International, including the Corruption Perceptions Index 2014.
[116] See E/C.12/TZA/CO/1-3, para. 7.
[117] See CRC/C/TZA/CO/3-5, paras. 13-14.
[118] See country team joint submission for the universal periodic review of the United Republic of Tanzania, para. 57.
[119] Ibid., para. 54.